

FISCAL NOTE

SB 2445 - HB 3462

March 13, 2006

SUMMARY OF BILL: Requires the condemner to pay for any discretionary court costs in condemnation cases if the amount of compensation awarded is in excess of the amount deposited by the condemning agency with the court clerk.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Exceeds \$1,000,000

Increase Local Govt. Expenditures – Exceeds \$100,000*

Assumptions:

- The Department of Transportation pays the Attorney General approximately \$900,000 per year for representation in right-of-way condemnation cases.
- Private attorney's fees exceed fees by the Attorney General by approximately 50%.
- In 95% of the condemnation cases brought by the Department of Transportation, the amount of compensation exceeds the amount deposited.
- $\$900,000 \times 1.5 \times .95 = \$1,282,500$
- There will be a significant number of local government condemnation cases in which the amount of compensation exceeds the amount deposited with the clerk. An increase in local government expenditures will result. A specific amount cannot be quantified, but is estimated to exceed \$100,000.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director